



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Fred Crifasi, Esq.
Attorney At Law
8702 Jefferson Highway, Suite B
Baton Rouge, LA 70809

MAR 19 2018

RE: MUR 7132
Michael David Pitts

Dear Mr. Crifasi:

On March 1, 2018, the Federal Election Commission accepted the signed conciliation agreement submitted by your client, Michael David Pitts, in settlement of a violation of 52 U.S.C. § 30102(b)(3), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 102.15. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Delbert K. Rigsby". The signature is written in a cursive, slightly slanted style.

Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

MUR 7132

1. Amed PAC is a political committee within the meaning of 52 U.S.C. § 30101(4), and is the separate segregated fund of Amedisys.

2. Michael David Pitts was the former Vice President of Tax at Amedisys and his duties included transferring payroll deductions from Amedisys' employees to Amed PAC. While employed with the company, Amedisys and Amed PAC's treasurer assigned to Pitts the task of preparing and filing Amed PAC's campaign finance reports, which he did from 2007 to 2014 when he left Amedisys. During this period, only Pitts had direct access to Amed PAC's bank records.

3. In November 2013, Pitts deposited \$85,000 in payroll deductions into Amed PAC's bank account, but he only reported \$5,360 of the \$85,000 on Amed PAC's 2013 December Monthly Report, a difference of \$79,640. On November 19, 2013, Pitts wrote a check for \$79,640 from Amed PAC's account by forging the signature of Amedisys' Chief Executive Officer and made it payable to Evergreen Incentives, LLC ("Evergreen"), an entity created and controlled by Pitts that was used to carry out his embezzlement scheme. Pitts also did not include the disbursement of \$79,640 on Amed PAC's 2013 December Monthly Report.

4. The Act and Commission regulations require that all funds of a political committee must be "segregated from and may not be commingled with the personal funds of any individual." 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15.

5. A violation of the Act is knowing and willful requires full knowledge of all of the relevant facts and a recognition that the action is prohibited by law.

6. Pitts sought to conceal the embezzlement by under-reporting the transfer of payroll deductions from Amedisys and omitting the disbursement to Evergreen on Amed PAC's disclosure report, and by not including Amed PAC's November 2013 bank statement and a copy of the check to Evergreen in Amed PAC's records.

V. Respondent knowingly and willfully violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15 by commingling Amed PAC's funds with his personal funds.

VI. Respondent will cease and desist from committing violations of 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15.

VII. Respondent Michael David Pitts, through the submission of financial documentation to the Commission and additional representations, has indicated that financial hardship prevents him from paying any civil penalty to the Commission. On April 21, 2016, Pitts pleaded guilty to wire fraud (18 U.S.C. § 1343). On October 12, 2016, Pitts was sentenced to 48 months in prison. On that same date, Pitts was ordered to pay \$7,861,679 in restitution. After receiving credit for previous payments toward his restitution obligation, Pitts had an outstanding restitution balance of \$4,693,031, which included \$79,640 to be paid to Amed PAC. Pitts is currently serving his prison sentence. The Commission regards these submissions and presentations as material representations. Due to Pitts' financial condition, the Commission agrees to depart from the civil penalty that it would normally seek for the violations at issue, and the Commission agrees that no civil penalty shall be due. If evidence is uncovered indicating Respondent's financial condition is not as stated, a civil penalty of One Hundred Nineteen Thousand Dollars (\$119,000) shall be immediately due, pursuant to 52 U.S.C. § 30109(a)(5)(B).

VIII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

FOR THE COMMISSION:

Kathleen Guith
Kathleen Guith
Associate General Counsel
for Enforcement

3-19-18
Date

FOR THE RESPONDENT:

(Name)
(Position)

1-24-18
Date